

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

TOMMY NGUYEN, PAULUS NIEKDAM,	§	
and LOC TRAN, Individually and on Behalf	§	
of All Others Similarly Situated,	§	
	§	
Garnishors,	§	
	§	
V.	§	
	§	
COMERICA INCORPORATED;	§	Civil Action No. _____
JPMORGAN CHASE BANK, N.A.;	§	
E*TRADE SECURITIES LLC; and GREEN	§	
BANK, N.A.	§	
Garnishees.	§	
	§	
V.	§	
	§	
VERSACOM, LLC a/k/a VERSACOM, LP;	§	
MUHAMMAD AL-AMIN, Individually; and	§	
AFREEN AL-AMIN, Individually	§	
Judgment Debtors.	§	

**APPLICATION FOR WRIT OF GARNISHMENT AFTER JUDGMENT**

COMES NOW, TOMMY NGUYEN, PAULUS NIEKDAM, AND LOC TRAN, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED (hereinafter referred to as “Garnishors”) and files this Application for Writ of Garnishment After Judgment against COMERICA INCORPORATED; JPMORGAN CHASE BANK, N.A.; E\*TRADE SECURITIES LLC; GREEN BANK, N.A. (hereinafter referred to as “Garnishees”) and, in support hereof, Garnishors would show the Court the following:

**PARTIES**

1. Garnishors, Tommy Nguyen, Paulus Niekdam, and Loc Tran, individually and on behalf of all others similarly situated, are judgment-creditors of Versacom, LLC a/k/a Versacom, LP, Muhammad Al-Amin, and Afreen Al-Amin (“Judgement-Debtors”).

2. Garnishee, Comerica Incorporated is an entity doing business in the State of Texas and in the Northern District of Texas and may be served with process through its registered agent for service, CT Corporation System, 350 North St. Paul Street, Dallas, Texas 75201.

3. Garnishee, JP Morgan Chase Bank, N.A. is an entity doing business in the State of Texas and in the Northern District of Texas and can be served with process through its registered agent for service, CT Corporation System, 350 North St. Paul Street, Dallas, Texas 75201.

4. Garnishee, E\*Trade Securities LLC is an entity doing business in the State of Texas and in the Northern District of Texas and can be served with process through its registered agent for service, Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

5. Garnishee, Green Bank, N.A. is an entity doing business in the State of Texas and in the Northern District of Texas and can be served with process through its registered agent for service, John P. Durie, 4000 Greenbrier Street, Houston, Texas 77098.

6. Judgement-Debtors, Versacom, LLC a/k/a Versacom, LP, Muhammad Al-Amin, and Afreen Al-Amin may be served with notice by mail at 8111 LBJ Expressway, Suite 1500, Dallas, Texas 75251.

### **Jurisdiction and Venue**

7. This Court has jurisdiction over this matter pursuant to Federal Rules of Civil Procedure 69(a), which states in relevant part:

The procedure on execution—and in proceedings supplementary to and in aid of judgment or execution—must accord with the procedure of the state in where the court is located . . . .

Accordingly, Garnishors file this Application for Writ of Garnishment in accordance with the practice and procedure of the State of Texas.

8. Venue is proper in this Court in that this is an ancillary proceeding to the original proceeding that was styled *Tommy Nguyen, Paulus Niekdam, and Loc Tran, Individually and on Behalf of All Others Similarly Situated v. Versacom, LLC; Muhammad Al-Amin, Individually; Afreen Al-Amin, Individually*, Civil Action No. 3:13-CV-04689-D in this Court.

### **Background and Basis for Issuance of Writ of Garnishment**

9. On or about February 6, 2017, pursuant to a settlement agreement, this Court, in Civil Action No. 3:13-CV-04689-D, styled *Tommy Nguyen, Paulus Niekdam, and Loc Tran, Individually and on Behalf of All Others Similarly Situated v. Versacom, LLC; Muhammad Al-Amin, Individually; Afreen Al-Amin, Individually* entered an Agreed Judgment against Defendants Versacom, LLC,

Muhammad Al-Amin, and Afreen Al-Amin Jointly and Severally in the sum of \$1,500,000, plus \$ 240,000 as pre-judgment interest (rate of 5% from November 26, 2013 until the date of judgment), plus post judgment interest accruing at five percent (5%) per annum from date of judgment until paid. A true and correct copy of the Agreed Judgment is attached hereto as Exhibit “A” and is incorporated herein by reference for all purposes. This judgment is just, due, unpaid, and remains unsatisfied.

10. Pursuant to the Settlement Agreement and Release of Claims (“Settlement Agreement”), Judgment debtors were required to mail the third installment of settlement payments to Garnishors within five calendar days of the Due Date (June 15, 2017). Judgment debtors’ failed to mail settlement payments to Garnishors by June 20, 2017. Judgment debtors’ failure to do so resulted in Garnishors’ right to abstract and collect Agreed Judgment. A true and correct copy of the Settlement Agreement is attached hereto as Exhibit “B” and is incorporated herein by reference for all purposes.

11. Garnishors are the owners and holder of the Agreed Judgment. The Agreed Judgment is valid, subsisting, unpaid, and no supersedeas bond has been filed or approved to suspend execution of the Agreed Judgment.

12. Within Garnishors’ knowledge, none of the Judgment-Debtors possess property in Texas subject to execution sufficient to satisfy the Agreed Judgment. This garnishment is not sought to injure or harass either the Judgment-Debtors or Garnishees. Rather, Garnishors are attempting to collect on an Agreed

Judgment. Garnishors request that if Garnishees are indebted to Versacom, LLC a/k/a Versacom, LP; Muhammad Al-Amin, or Afreen Al-Amin by any account or otherwise, that Garnishees hold and allow Garnishors to garnish said belongings. Garnishors also request that if Garnishees hold possessions in a safety deposit box at any branch that Garnishees hold and allow Garnishors to garnish said belongings as permitted by law.

13. Garnishors have reason to believe, and do believe, that Garnishee, Comerica Incorporated is indebted to or has on hand effects belonging to the Judgment-Debtors, including, but not limited to, account number ending in 2764.

14. Garnishors have reason to believe, and do believe, that Garnishee, JP Morgan Chase Bank, N.A. is indebted to or has on hand effects belonging to the Judgment-Debtors, including, but not limited to, account numbers ending in 8599 and 3863.

15. Garnishors have reason to believe, and do believe, that Garnishee, E\*Trade Securities LLC is indebted to or has on hand effects belonging to the Judgment-Debtors, including, but not limited to, account number ending in 2872.

16. Garnishors have reason to believe, and do believe, that Garnishee, Green Bank, N.A. is indebted to or has on hand effects belonging to the Judgment-Debtors, including, but not limited to, account number ending in 0008.

17. This Application is supported by the Affidavit of Antonio U. Allen attached hereto as Exhibit “C” and incorporated herein by reference for all purposes.

18. Pursuant to Federal Rules of Civil Procedure 64, the remedies of the State of Texas are available for the seizure of property for the purpose of securing satisfaction of the Agreed Judgment ultimately to be entered in this proceeding. The applicable statutes and rules for issuance of a writ of garnishment under Texas law are set forth in Texas Civil Practices and Remedy Code Section 63.001, *et seq.*

WHEREFORE, Garnishors pray that:

- a) a writ of garnishment be issued to Garnishees as described above;
- b) Garnishors be granted judgment against Garnishees for the amount of the Agreed Judgment, with the total not to exceed the amount admitted or found to be due Judgment-Debtors from Garnishees; and
- c) Garnishors be granted all costs of Court incurred in this proceedings, and such other and further relief, special or general, at law or in equity, to which Garnishors may show themselves justly entitled.

Respectfully submitted,

/s/ Antonio U. Allen  
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**ATTORNEYS FOR GARNISHORS**